REMARKS

The undersigned attorney thanks Examiner Tomaszewski for his careful review of this patent application. Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 1-33 are currently pending in this Application with claims 1-9, 14, 17, 20, and 24 being amended and claims 28-33 being added. Prior to entry of this amendment, claims 1-27 were pending in the application and all were rejected.

Claim Rejections

The 35 U.S.C. § 112 Rejections

Claims 2 was initially rejected under 35 U.S.C. § 112 second paragraph because there was insufficient antecedent basis for the limitation of "the insurance program." Claim 2 has been amended to recite "an insurance program." Accordingly, the Applicant respectfully submits that Claim 2 is now in conformance with 35 U.S.C. § 112.

The 35 U.S.C. § 102 Rejections based on Ibarra

Claims 1 and 5-8 were initially rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,119,097 to Ibarra (hereafter "Ibarra"). Ibarra is directed toward a system and method for quantification of human performance factors. Specifically, Ibarra discloses a system that "enables a supervisor to quantify job performance characteristics" of an employee. *See* Ibarra Abstract. Notably, Ibarra is not related to the formulation of insurance programs or implementing procedures designed for the insured entity to meet the insurance program requirements, thereby reducing a risk associated with the insurance risk factor.

Claim 1 of the present invention is directed toward a method providing improved performance of an insured entity. Specifically, Claim 1 is directed toward an embodiment of the present invention in which an insurance program is formulated and procedures are implemented to reduce the risk associated with an insurance risk factor. Such a program can be highly desirable for both an insured entity and for an insurance company issuing a policy. Typically, the insured entity desires the best possible coverage at the lowest possible price. On the other hand,

the insurance company sets its policy prices based on the risks it associates with the insured entity. The insurance company attempts to approximate the likelihood of a claim based on these risks and sets its premiums accordingly.

Using the present invention, an insurance company may offer an insured entity a reduced premium in exchange for abiding by certain program requirements designed to reduce the risks associated with the insured entity. Since the insurance company likely will not wish to trust the insured entity to faithfully follow the program, the present invention may be used to monitor the ensured entity's adherence to the program. Then, the insurance company may determine how closely the insured entity is following the program and decide whether to maintain the reduced premium.

In order to highlight several of the distinctions between Claim 1 and Ibarra, the Applicant amended the claim to highlight the application to an insurance program and the use of a procedure to reduce risks associated with insurance risk factors. Specifically, Claim 1 now recites the elements of:

formulating an insurance program containing one or more insurance program requirements, wherein one or more of the one or more insurance program requirements are associated with an insurance risk factor;

implementing procedures designed for the insured entity to meet the insurance program requirements, thereby reducing a risk associated with the insurance risk factor;

monitoring the results of the procedures to identify the conformance of the insured entity to the program requirements;

identifying the conformance of the insured entity to the program requirements;

communicating data indicative of the conformance of the insured entity to an interested third party.

The Applicant respectfully submits that Ibarra does not relate to an insurance program and does not implement procedures designed for an insured entity to meet insurance program requirements and reduce a risk associated with an insurance risk factor. Accordingly, the Applicant respectfully submits that the rejection based on Ibarra should be withdrawn and Claim 1 is in condition for allowance. Additionally, the Applicant respectfully submits that Claims 5-8

are also in condition for allowance for the reasons stated above and for the further limitations contained therein.

The 35 U.S.C. § 103 Rejections based on Ibarra combined with Luchs

Claims 2 and 3 were initially rejected under 35 U.S.C. § 103(a) as being unpatentable over Ibarra in view of U.S. Patent No. 4,831,526 to Luchs (hereafter "Luchs"). The Applicant respectfully submits that Claims 2 and 3 are patentable over the combination of Ibarra and Luchs for the reasons stated above in conjunction with Claim 1. Specifically, Luchs is directed toward a system for writing and issuing insurance contracts, but does not disclose any of the steps highlighted above. For example, Luchs does not disclose the use of a procedure to reduce risks associated with insurance risk factors or monitoring an insured entity to identify the conformance of the insured entity to the program requirements. Accordingly, Ibarra and Luchs do not teach each and every limitation of Claims 2 or 3 and these claims are in condition for allowance.

The 35 U.S.C. § 103 Rejections based on Ibarra combined with Walker

Claim 4 was initially rejected under 35 U.S.C. § 103(a) as being unpatentable over Ibarra in view of U.S. Patent No. 6,119,094 to Walker (hereafter "Walker"). The Applicant respectfully submits that Claims 2 and 3 are patentable over the combination of Ibarra and Walker for the reasons stated above in conjunction with Claim 1. Walker does not disclose any of the steps highlighted above. For example, Walker does not disclose the use of a procedure to reduce risks associated with insurance risk factors or monitoring an insured entity to identify the conformance of the insured entity to the program requirements. Accordingly, Ibarra and Walker do not teach each and every limitation of Claim 4 and thus Claim 4 is in condition for allowance.

The 35 U.S.C. § 103 Rejections based on Ibarra combined with DeTore

Claims 9, 13, and 16 were initially rejected under 35 U.S.C. § 103(a) as being unpatentable over Ibarra in view of U.S. Patent No. 4,975,840 to DeTore (hereafter "DeTore"). The Applicant respectfully submits that Claims 9, 13, and 16 are patentable over the combination of Ibarra and Walker for the reasons stated above in conjunction with Claim 1. Specifically, Claim 9 is directed toward an embodiment of the present invention in which an insurance

program is formulated and procedures are implemented to reduce the risk associated with an insurance risk factor. Notably, neither Ibarra nor DeTore teach formulating an insurance program and implementing procedures designed to reduce insurance risk factors.

In order to highlight several of the distinctions between Claim 9 and the cited references, the Applicant amended the claim to highlight the use of the procedures to reduce a risk associated with an insurance risk factor. Specifically, Claim 9 now recites the elements of:

formulating an insurance program containing one or more predetermined insurance program requirements, wherein one or more of the one or more predetermined insurance program requirements are associated with an insurance risk factor;

implementing procedures designed for the insured entity to meet the program requirements, thereby reducing a risk associated with the insurance risk factor;

monitoring the results of the procedures to identify the conformance of the insured entity to the program requirements;

identify the conformance of the insured entity to the program requirements;

attributing a score to the monitored results; and

providing the score to the insuring entity.

The Applicant respectfully submits that neither Ibarra, DeTore, nor the combination thereof teaches each and every element as recited in Claim 9. Accordingly, the Applicant respectfully submits that the rejection based on Ibarra and DeTore should be withdrawn and Claim 9 is in condition for allowance. Additionally, the Applicant respectfully submits that Claims 10 - 16 are also in condition for allowance for the reasons stated above and for the further limitations contained therein.

The Remaining 35 U.S.C. § 103 Rejections

The remaining claims, 17-27, were rejected based on various combinations of Ibarra, DeTore, Luchs, and Walker. Independent Claims 17, 20, and 24 were amended to include limitations similar to those in Claim 1. Accordingly, Claims 17, 20, 24 and their respective dependent claims are patentable over Ibarra, DeTore, Luchs, Walker, and the various combinations thereof for before mentioned reasons.

New Claims

Claims 28 - 33 have been added as dependent claims. Since each of these claims depend on one of the previously discussed independent claims, they are allowable for the reasons stated above and for the further limitations contained therein.

FEES

Through the present *Response to Office Action*, six dependent claims were added. Thus, an additional claim fee of 150.00 is due. The Commissioner is authorized to debit deposit account No. 20-1507 for these, and any other required fees.

CONCLUSION

The foregoing is submitted as a full and complete response to the *Office Action* mailed January 26, 2006. It is respectfully submitted that claims 1-33 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

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